



Legislation Text

File #: ORD 2017-026, Version: 1

AGENDA ITEM REPORT

TITLE:

AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 14, "OFFENSES," ARTICLE I, "IN GENERAL," BY ENACTING SECTION 14-4, "PROHIBITION ON SYNTHETIC CANNABIS AND BATH SALTS," IN ORDER TO PROHIBIT THE SALE, DISPLAY, DELIVERY, AND POSSESSION OF SYNTHETIC CANNABIS AND BATH SALTS; PROVIDING FOR DEFINITIONS, LABEL REQUIREMENTS ON PACKAGING, AND PENALTIES. (SECOND READING)(PUBLIC HEARING)

BACKGROUND:

This item was approved on First Reading at the July 27, 2017, Commission Meeting by a 4-1 vote, with Vice Mayor Rydell voting nay.

There is evidence of a growing public safety and health concern regarding the sale of incense products that contain chemical compounds designed as consumable synthetic alternatives to certain illegal controlled substances. The Legislature, in Section 893.0356, Florida Statutes, has identified these substances as "controlled substance analogs," which is defined as a substance that is "substantially similar to that of a controlled substance listed in Schedule I or Schedule II of Section 893.03 and has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than that of a controlled substance listed in Schedule I or Schedule II of Section 893.03."

DISCUSSION:

Such substances evade regulation by the U.S. Food and Drug Administration (FDA) because manufacturers of these consumable incense products label the product as "not for human consumption" despite the fact that the product is being crushed and/or ground up and ingested by individuals. While Sections 893.03 and 893.13, Florida Statutes, provide for criminal violations for the possession, delivery, sale, and possession with intent to deliver any of these aforementioned illegal substances, it is often hard to identify and target the analog substances without further intervention. This Ordinance seeks to require labeling of such products and provide penalties for selling, displaying, or delivering illegal substances and their analogs.

There was discussion at the First Reading regarding penalties. If the City Commission desires, we can specify in the Ordinance that the penalty is \$500.00 per violation.

RECOMMENDATION:

Staff recommends approval of this Ordinance.

FISCAL IMPACT: N/A